

BRIAN J. STRETCH (CABN 163973)
United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

NIKHIL BHAGAT (CABN 279892)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7193
nikhil.bhagat@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No. CR 17-0049 TEH
)	
Plaintiff,)	
)	PROPOSED ORDER OF DETENTION
v.)	PENDING TRIAL
)	
MARIANO RAMOS-LOPEZ,)	
)	
Defendant.)	

Defendant Mariano Ramos-Lopez stands charged in a one-count Indictment with possession with intent to distribute 100 grams or more of heroin in violation of Title 21, United States Code, Section 841(a)(1). The United States moved for defendant's detention pursuant to 18 U.S.C. § 3142, and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Given the nature of the crime charged, there is a rebuttable presumption in this case that no conditions or combination of conditions will reasonably assure the appearance of defendant as required and the safety of any other person and the community. *See* 18 U.S.C. § 3142(e)(3)(A).

On February 3, 2017, in light of the statutory presumption and for the reasons stated on the record, the Court ordered defendant detained, as no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure the appearance of defendant as required and the safety of any other

1 person and the community. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d
2 1403, 1406 (9th Cir. 1985).

3 Defendant did not request a full bail hearing, but reserved the right to present information at a
4 future bail hearing should his circumstances change. *See* 18 U.S.C. § 3142(f) (a defendant has the right
5 at a section 3142(f) hearing to, with the assistance of counsel, testify, present witnesses, cross-examine
6 adverse witnesses, and present evidence by proffer or otherwise).

7 For these reasons and as otherwise stated on the record,

8 IT IS HEREBY ORDERED that the defendant is remanded to the custody of the Attorney
9 General or to the Attorney General's designated representative for confinement in a corrections facility
10 separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody
11 pending appeal. The defendant must be afforded a reasonable opportunity for private consultation with
12 defense counsel. On order of a court of the United States or on request of an attorney for the
13 Government, the person in charge of the corrections facility must deliver the defendant to a United
14 States Marshal for the purpose of an appearance in connection with a court proceeding.

15 IT IS FURTHER ORDERED that because the defendant waived his right to present information
16 pursuant to 18 U.S.C. § 3142(f) without prejudice to raising any relevant information at a later hearing,
17 the Court orders that the hearing may be reopened at any future time upon the request of the defendant.

18
19 Dated: 02/07/2017

20 
21 THE HONORABLE LAUREL BEELER
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28